

STATE OF MICHIGAN  
COURT OF APPEALS

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LAWRENCE S. JOYCE,

Plaintiff-Appellant,

v

ENVIRONMENTAL RESEARCH INSTITUTE OF  
MICHIGAN,

Defendant-Appellee.

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UNPUBLISHED

January 6, 1998

No. 199493

Washtenaw Circuit Court

LC No. 94-003789 CZ

Before: Griffin, P.J., and Markman and Whitbeck, JJ.

MEMORANDUM.

In this action for age discrimination in violation of the Civil Rights Act, MCL 37.2202; MSA 3.548(202), plaintiff appeals by right from summary disposition in favor of defendant, based on there being no genuine issue of material fact, MCR 2.116(C)(10). We decide this appeal without oral argument pursuant to MCR 7.214(E).

Plaintiff has not presented evidence challenging defendant's showing that plaintiff was discharged as part of layoffs that were implemented for economic reasons. To establish a prima facie case of age discrimination in connection with layoffs for economic reasons, a plaintiff must present evidence that age was a determining factor in the defendant's decision to terminate plaintiff's employment. *Matras v Amoco Oil Co*, 424 Mich 675, 684; 385 NW2d 586 (1986); *Plieth v St Raymond Church*, 210 Mich App 568, 574; 534 NW2d 164 (1995)

Here, defendant essentially indicates that plaintiff's skill levels were not as high as those of other employees in certain areas that were particularly important to defendant. While plaintiff's evidence suggests that plaintiff may have somewhat superior academic and even experiential qualifications for certain types of cutting edge research into electronic sensor systems, plaintiff has not produced any direct or indirect evidence sufficient to raise a factual question of age discrimination. *Matras, supra* at 684; *Plieth, supra* at 574.

Affirmed. Defendant, being the prevailing party, may tax costs pursuant to MCR 7.219.

/s/ Richard Allen Griffin

/s/ Stephen J. Markman

/s/ William C. Whitbeck